

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD TERRY HEIT,

Plaintiff,

v.

Case No. 2:23-CV-12576

District Judge Laurie J. Michelson

Magistrate Judge Anthony P. Patti

PORT HURON POLICE OFFICERS  
MARCANO AND SLY,

Defendants.

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**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S  
MOTION FOR MISCELLANEOUS RELIEF (ECF NO. 24)**

**A. Background**

On April 23, 2024, Plaintiff Richard Terry Heit filed a motion for miscellaneous relief, seeking practical help from the Court to facilitate the discovery process. (ECF No. 24.) Defendants have filed a response, stating that they do not oppose the relief sought by Plaintiff, but pointing out that Plaintiff seeks relief against the Michigan Department of Corrections (the “MDOC”), and the MDOC is not a party to this lawsuit. (ECF No. 25.) Judge Michelson referred this case to me for all pretrial proceedings pursuant to 28 U.S.C. § 636(b). (E.C.F. No. 44.)

On May 20, 2024, the Court conducted a status conference, on the record, via Zoom.

**B. Order**

Upon consideration of the motion papers and the discussion at the status conference, and for all the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, Plaintiff's motion for miscellaneous relief (ECF No. 24) is **GRANTED IN PART AND DENIED IN PART**.

Specifically, Plaintiff's motion is **GRANTED** in that Defendants are **DIRECTED** to provide to the relevant MDOC official, Derick Starrs, the videos in question (which the Court deems necessary to the progression of this lawsuit), on a flash or thumb-drive, of (1) the body cam footage and (2) the cell bright video from July 21, 2021, and the MDOC shall, immediately thereafter, FACILITATE Plaintiff's viewing of the video through whatever means are consistent with the MDOC's standard policy. Further, Defendants are **DIRECTED** to pay for the photocopies of the documents which Plaintiff identified in his deposition (which the Court also deems necessary to the progression of this lawsuit), and of which Defendants have requested copies, after making arrangements with Mr. Starrs or another appropriate contact at the prison to process the payment and facilitate the photocopying.<sup>1</sup>

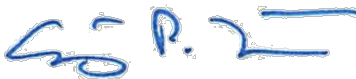
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<sup>1</sup> The Court anticipates that the easiest way to facilitate the copying would be for the MDOC to charge the copying to Plaintiff's account and then to bill Defendants

Plaintiff's motion is **DENIED** in that the Court will not award costs or fees against the MDOC.

**IT IS SO ORDERED.**<sup>2</sup>

Dated: May 24, 2024



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Anthony P. Patti  
UNITED STATES MAGISTRATE JUDGE

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after the copying. However, the Court will leave the details of the transaction for defense counsel to work out with Derick Starrs or the appropriate official.

<sup>2</sup> The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).